

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 5, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-22251 - APPLICANT: JIT MANN - OWNER: AMAPOLA ORANGE, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for a Supper Club use, except as modified herein.
2. Conformance to the conditions for Rezoning (Z-0081-94), and Plot Plan Review (Z-0081-94(1)) if approved.
3. A Waiver to allow a 152-foot separation from a Child Care Facility where 400 feet is required is hereby granted.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for Special Use Permit for a proposed Supper Club at 2000 South Rainbow Boulevard, Suites 108-110. The applicant is also requesting a Waiver to allow a 152-foot separation from a Child Care Facility where 400 feet is required.

Because this proposal does not meet the minimum requirements for a Supper Club, staff is recommending denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/19/94	The City Council approved a request for the reclassification of property (Z-81-94) located on the east side of Rainbow Boulevard, between Oakey Boulevard and O'Bannon Drive, from N-U (Non-Urban) Zone to C-1 (Limited Commercial) Zone and C-2 (General Commercial) Zone for a 63,000 square-foot Retail Shopping Center and Equipment Rental Facility. NOTE: the C-2 (General Commercial) portion of the request was amended to C-1 (Limited Commercial).
8/08/96	The Planning Commission approved a request for Plot Plan and Building Elevation Review [Z-81-94(1)] for a proposed 42,800 square-foot one-story commercial shopping center on property located on the east side of Rainbow Boulevard, between Oakey Boulevard and O'Bannon Drive, N-U (Non-Urban) Zone under Resolution of Intent to C-1 (Limited Commercial).
1/22/98	The Planning Commission approved a Site Development Plan Review [Z-81-94(2)] on property located on Rainbow Boulevard between Oakey Boulevard and O'Bannon Drive for a proposed 20,700 square foot building in an existing retail center, C-1 (Limited Commercial) Zone.
3/26/98	The Planning Commission approved a Site Development Plan Review [Z-81-94(3)] for a proposed 13,242 square foot one-story retail and office building within the existing retail center, north of this proposal.
5/14/98	The Planning Commission approved a Site Development Plan Review [Z-81-94(4)] for a proposed 5,323 square foot bank within the existing retail center, north of this proposal.
11/5/98	The Planning Commission approved a Site Development Plan Review for a proposed [Z-81-94(5)] on property located on Rainbow Boulevard between Oakey Boulevard and O'Bannon Drive for a proposed 24,932 square-foot addition to an existing retail center
08/09/07	The Planning Commission accepted the request to withdraw companion item VAR-22252 concurrently with this application.
	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #20/mh).

<i>Related Building Permits/Business Licenses</i>	
2/18/99	Plan Check #C-0267-97 issued for certificate of completion for shell building only (2000 & 2050 South Rainbow Boulevard)
12/31/05	Business licenses #L06-00140 & #M06-02779 for a locksmith storefront issued to “Magnum Lock Company”, located at 2000 South Rainbow, Suite 108. Although the applicant states that this suite is vacant, the license for a locksmith is still active.
3/7/07	Business licenses #F07-01788 for a furniture store issued to “Bedtime Mattress”, located at 2000 South Rainbow, Suite 110. This license is inactive as of 3/7/07.
<i>Pre-Application Meeting</i>	
5/17/07	A Pre-application conference was held with staff regarding the proposed supper club in a commercial shopping center located at 2000 South Rainbow Boulevard, Suites 108-110. The applicant was informed of the Child Care Facility across the street and that an approved Waiver to the 400-foot separation distance from the protected property will be required. A Variance to allow 165 parking spaces where 148 are provided was initially requested, but was pulled upon the discovery of a Shared Parking Agreement that demonstrates a sufficient amount of parking provided.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
5/24/07	<p>A Field Check was completed with the following observations:</p> <ol style="list-style-type: none"> 1. The proposed location is within two suites in an existing shopping center. 2. There is a Child Care Facility directly across Rainbow Boulevard. 3. There is more parking provided on site than shown on the submitted site plans.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.25 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	R (Rural Density Residential)	R-E (Residence Estates)
West	Single Family Residential	SC (Service Commercial)/ ROW	C-1 (Limited Commercial)/ Right of Way

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center*	44,306 GFA	1:250 SF	173	6	175	6	
SubTotal					181		
TOTAL			173		181		Y

**A Shared Parking Agreement has been established amongst the following addresses: 1900, 1950, 1980, 2000, and 2050 South Rainbow. These addresses constitute a portion of the "Plaza de Colores" portion of the "MBJR Trust Schwartz Commercial Subdivision"*

Waivers		
Request	Requirement	Staff Recommendation
A 152-foot separation distance from an establish Child Care Facility at 1951 South Rainbow Boulevard	A 400-foot separation distance from any church, synagogue, school, child care facility licensed for more than 12 children, or City park.	Denial

ANALYSIS

Per Title 19.04.010, the Supper Club Use is described as a restaurant with a bar separated by a barrier sufficient to prevent access by minors. Additionally, the Supper Club Use requires seating for at least 125 persons within the restaurant area and may serve alcoholic beverages in the restaurant area only in conjunction with the service of food. The restaurant operation of the Supper Club is the principal portion of the business.

- **Use**

The proposed Supper Club is to be located within two adjacent suites of an existing Shopping Center on land zoned C-1 (Limited Commercial), in which food service uses are allowed.

- **Parking**

The proposed Supper Club is located within the “Plaza de Colores” shopping center which has a shared parking agreement recorded for 1900, 1950, 1980, 2000, and 2050 South Rainbow under the “MBJR Trust Schwartz Commercial Subdivision”. These five addresses constitute the shopping center for which 181 spaces have been provided where the additional Supper Club Use has increased the demand to 173 spaces.

- **Conditions**

Minimum Special Use Permit Requirements:

1. No supper club use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.
2. Except as otherwise provided in Requirement 3 below, the minimum distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed supper club which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest

to the proposed supper club. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term “property line” refers to property lines of fee interest parcels and does not include the property line of:

- a. Any leasehold parcel; or
- b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Requirement 1.

3. In the case of a supper club proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
 - a. From the nearest property line of the existing use to the nearest portion of the structure in which the supper club will be located, without regard to intervening obstacles; or
 - b. In the case of a proposed supper club which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the supper club will be located, without regard to intervening obstacles.
4. When considering a Special Use Permit application for a supper club which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- *5. In the O District, a supper club is permitted only as an accessory use.
- *6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

- **Floor Plan**

The provided floor plan shows the appropriate seating for 125 customers in a restaurant area with a bar and lounge area physically separated by an interior wall. Internal access to the bar and lounge from the restaurant is provided by an internal door that is shared with the kitchen access. There are also separate exterior entrances for both the restaurant and bar areas. A stage and platform area is located within the restaurant area.

FINDINGS

The following findings must be made for a Special Use Permit:

- 1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Supper Club is situated within an existing building located within an established retail center and is adequately buffered from residential uses to the northeast. However, there is a protected use within 400 feet of the proposed Supper Club.

- 2. “The subject site is physically suitable for the type and intensity of land use proposed.”**

The existing retail complex primarily provides parking for general retail uses, allowing little leftover parking for the increased demand from a proposed supper club. The original Plot Plan Reviews [Z-81-94(1) and Z-81-94(2)] were approved with substantial retail space dedicated to furniture stores, which have a relatively low parking load. The proposal does meet the current parking standards as outline in Title 19.10 with the proof of a shared parking agreement and by calculating the total parking requirement as a Shopping Center use. However, if approved, this will be the second restaurant for the shopping center and future retail uses may not meet the parking requirements.

- 3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the site is directly off of Rainbow Boulevard, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. Site access and circulation will not negatively impact adjacent roadways or neighborhood traffic.

- 4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Although this use is subject to regular City and County inspections for licensing and will therefore, the proposed Supper Club requires the approval of a Waiver to allow a 152-foot separation distance from an established Child Care Facility. Staff finds that this request demonstrates a compromise to the public health, safety, and welfare.

5. The use meets all of the applicable conditions per Title 19.04.

The proposed Supper Club does not meet the Minimum Special Use Permit Requirement #1: No supper club use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park. The applicant has requested a Waiver to this condition. Staff recommends denial of this proposal based upon this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 3

SENATE DISTRICT 8

NOTICES MAILED 460 by City Clerk

APPROVALS 3

PROTESTS 12